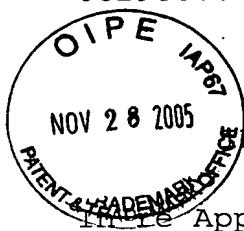


ATTORNEY DOCKET NO.
062986.0205

14-30-05

PATENT APPLICATION
09/909,704



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: William A. Huffman
Serial No.: 09/909,704
Filing Date: July 20, 2001
Group Art Unit: 2112
Examiner: Christopher E. Lee
Title: QUEUE CIRCUIT AND METHOD OF MEMORY
ARBITRATION EMPLOYING SAME

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

APPEAL BRIEF

Applicant has appealed to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed June 24, 2005 and September 13, 2005, finally rejecting Claims 1-15. Applicant respectfully submits herewith their brief on appeal.

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REAL PARTY IN INTEREST

The present Application was assigned to Silicon Graphics, Inc., a Delaware corporation, as indicated by an assignment from the inventor recorded on January 6, 2002 in the Assignment Records of the United States Patent and Trademark Office at Reel 012471, Frames 0824-0826.

RELATED APPEALS AND INTERFERENCES

There are no known appeals or interferences that will directly affect or be directly affected by or have a bearing on the Board's decision in this pending appeal.

STATUS OF CLAIMS

Claims 1-15 stand rejected pursuant to a Final Action mailed June 24, 2005. Claims 1-15 are all presented for appeal.

STATUS OF AMENDMENTS

A Response to Examiner's Final Action was filed on August 24, 2005 in response to the Final Action mailed June 24, 2005. No additional amendments were made to the claims. The Examiner issued an Advisory Action dated September 13, 2005 which stated that the Response to Examiner's Final Action was considered but that it did not place the application in condition for allowance. A Notice of Appeal and Request for Pre-Appeal Brief Review were on September 26, 2005. A Notice of Panel Decision from Pre-Appeal Brief Review issued on October 14, 2005 indicating that the Application is to proceed to the Board of Patent Appeals and Interferences.

SUMMARY OF CLAIMED SUBJECT MATTER

With reference to FIGURES 2A, 2B, 2C, and 3, and Applicant's specification (see page 11, line 28, to page 13, line 8; page 13, line 32, to page 14, line 13; and page 16, line 24, to page 19, line 26) the present invention provided in Claims 1-15 involve a method, circuit, and system for managing entry registers 205 in an arbitration queue 200. Upon receipt of a memory transaction entry 210 from a processor, the entry 210 enters the arbitration queue 200 at the highest order register 205 (register 63). Entry 210 advances one register location in the arbitration queue 200 during each arbitration cycle until it is either serviced or reaches the lowest order register 205 (register 0). Entry 210 remains in the lowest order register 205 (register 0) until it is serviced therefrom. Arbitration queue 200 maintains an oldest to newest relationship among transaction entries 210 without operating in a strict first in first out manner. Transaction entries 210 may be serviced from any register location within arbitration queue 200 according to an arbitration scheme. Once a transaction entry 210 is serviced, all other transaction entries 210 in higher order registers 205 will advance into a next lower order register 205, another transaction entry 210 enters arbitration queue 200, and the process repeats.

The arbitration scheme employed by an example embodiment of the present invention initially monitors and updates the status of the transaction entries 210 with respect to the cache memory. The arbitration scheme then groups the transaction entries 210 in accordance with a transaction parameter. Arbitration then takes place among the groups. From the group winning arbitration, transaction entries are serviced from oldest to newest based on location within

arbitration queue 200. Grouping is performed at each arbitration cycle as a particular transaction entry may be in one group during a current cycle and part of a different group during a subsequent arbitration cycle.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Did the Examiner err in concluding that Claims 1-3 and 5-7 were obvious under 35 U.S.C. §103(a) in view of the combination of U. S. Patent No. 6,160,812 issued to Bauman, et al. in view of U.S. Patent No. 6,185,672 issued to Trull?

2. Did the Examiner err in concluding that Claim 4 was obvious under 35 U.S.C. §103(a) in view of the combination of U. S. Patent No. 6,160,812 issued to Bauman, et al. in view of U.S. Patent No. 6,185,672 issued to Trull and further in view of U.S. Patent No. 6,145,061 issued to Garcia, et al.?

3. Did the Examiner err in concluding that Claim 8 was obvious under 35 U.S.C. §103(a) in view of the combination of U. S. Patent No. 6,160,812 issued to Bauman, et al. in view of U.S. Patent No. 6,185,672 issued to Trull and further in view of In re Yount?

4. Did the Examiner err in concluding that Claims 9-14 were obvious under 35 U.S.C. §103(a) in view of the combination of U.S. Patent No. 5,375,223 issued to Meyers, et al. in view of U. S. Patent No. 6,160,812 issued to Bauman, et al. and further in view of U.S. Patent No. 6,185,672 issued to Trull?

5. Did the Examiner err in concluding that Claim 15 was obvious under 35 U.S.C. §103(a) in view of the combination of U.S. Patent No. 5,375,223 issued to Meyers, et al. in view of U. S. Patent No. 6,160,812 issued to Bauman, et al. and U.S. Patent No. 6,185,672 issued to Trull and further in view of In re Yount?

ARGUMENT

1. Claims 1-3 and 5-7 stand rejected under 35 U.S.C. §103(a) as being obvious over Bauman, et al. in view of Trull. According to M.P.E.P. §2143, to establish a prima facie case of obviousness, three criteria must be met. First, there must be some suggestion or motivation to combine the references. Second, there must be a reasonable expectation of success. Third, the prior art combination of references must teach or suggest all the claim limitations. The Examiner has not established that any criteria for a prima facie case of obviousness has been met in this instance.

First, there is no suggestion or motivation in the Bauman, et al. patent or the Trull patent to combine them as proposed by the Examiner. The Bauman, et al. patent is directed to a system for supplying requests to a buffer based on register priority. The Trull patent is directed to an instruction queue for a microprocessor where instructions may be read out of the instruction queue in any order and gaps left by dispatched instructions are filled by shifting the remaining instructions a fixed number of locations within the instruction queue. The Examiner has not cited any language within the Bauman, et al. patent or the Trull patent that would suggest any capability for them to be combined. In fact, no objective reasoning whatsoever was provided by the Examiner for combining the references as has been proposed other than through an improper hindsight reconstruction of the claimed invention. The Examiner has merely provided baseless and subjective conclusory "it would have been obvious to combine" statements using improper hindsight reconstruction without any support for such conclusory statements from any of the cited references. A statement that modifications of the prior art to meet the claimed invention would have been well

within the ordinary skill of the art at the time the claimed invention was made because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. See M.P.E.P. 2143.01. Since the Examiner has not provided any proper reasoning, let alone objective reasoning, the burden to establish the first criteria of a prima facie case of obviousness has not been met.

Moreover, the proposed modification changes the principle of operation of the prior art being modified. The Bauman, et al. patent uses four registers in either a first in first out manner or a first priority manner. The Trull patent uses an instruction queue for out of order dispatch of instructions. Thus, the principle of operation of the Bauman, et al. patent with the Trull patent would be improperly changed by incorporating their respective teachings. The Examiner has yet to explain how the Bauman, et al. patent and the Trull patent can be combined in view of such different functionalities. Therefore, Applicant respectfully submits that the Examiner has failed to establish the first criteria for a prima facie case of obviousness.

Second, a reasonable expectation of success has not been shown by the Examiner. The combination of the Bauman, et al. patent and the Trull patent would not be capable of performing the operation required by the claimed invention. There is no showing by the Examiner that the functions of any of the Bauman, et al. patent and the Trull patent would be able to operate in a single system. There has also been no showing that the combined references would even be able to perform the functionality of the claimed invention. The proposed

combination attempts to combine incompatible processing techniques that have not been shown to be capable of operating according to any degree of predictability. The Examiner, without the improper hindsight look through the claimed invention, has not addressed how the proposed combination of the Bauman, et al. patent and the Trull patent would have any success whatsoever let alone a reasonable expectation of success. Therefore, Applicant respectfully submits that the Examiner has failed to establish the second criteria for a *prima facie* case of obviousness.

Third, the Examiner has not shown that the proposed Bauman, et al. - Trull combination teaches or suggests all of the claim limitations. For example, Independent Claim 1 recites ". . . associating each entry after placement in the queue to one of a plurality of groups, each of the plurality of groups having a different transaction parameter criteria; determining which particular one of the plurality of groups to service based on the transaction parameter criteria; servicing a particular entry in the particular one of the plurality of groups based on servicing criteria . . ." By contrast, the Bauman, et al. places packets in its request buffer registers and removes packets therefrom based on either a FIFO priority or a register priority scheme. Under the FIFO priority scheme, every packet in register L0 is serviced first. In the register priority scheme, packets are grouped by type and then placed into specific request buffer registers that are assigned the corresponding packet type. Thus, under the register priority scheme, the Bauman, et al. patent groups its transfers prior to placement within its request buffer registers so that its groups can be inserted into corresponding request buffer registers and can be output from

the corresponding request buffer registers in a first in first out basis.

Moreover, the Bauman, et al. patent clearly discloses that requests enter request queues in a time ordered manner with the oldest request being at the bottom of the request queue and the youngest request being at the top of request queue. Any grouping of requests in the Bauman, et al. patent is determined prior to placement into a request queue so that the right request can be provided to the right request queue. For example, requests placed into request queue 252 are destined for channel module 112 and thus become grouped prior to placement into request queue 252. Once in request queue 252, there is no further grouping of the requests as arbitration is performed among all of the requests therein. The claimed invention requires grouping of entries after being placed into a queue and not before as is performed in the Bauman, et al. patent. The Examiner has yet to show any grouping of requests being performed in the Bauman, et al. patent after placement into a queue let alone a determination as to which group to service and which entry to service in the identified group being serviced.

The Trull patent performs no grouping whatsoever of instructions within its instruction queue. Thus, even with the use of the queuing operation of the Trull, et al. patent with the request buffer of the Bauman, et al., there would still lack an ability to group entries after placement into a queue as required by the claimed invention. Therefore, Applicant respectfully submits that Claims 1-3 and 5-7 are patentably distinct from the proposed Bauman, et al. - Trull combination.

Thus, the Examiner has failed to establish the third criteria for a prima facie case of obviousness. As a result

of the improper combination of the references, the lack of any expectation of success for the combination, and the lack of disclosure in the patents being combined by the Examiner, there is an insufficient basis to support the rejection of the claims.

2. Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Bauman, et al. in view of Trull and further in view of Garcia, et al. Independent Claim 1, from which Claim 4 depends, has been shown above to be patentably distinct from the proposed Bauman, et al. - Trull combination. Moreover, the Garcia patent does not include any additional disclosure combinable with the Bauman, et al. or Trull patents that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claim 4 is patentably distinct from the proposed Bauman, et al. - Trull - Garcia, et al. combination.

3. Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Bauman, et al. in view of Trull and further in view of In re Yount. Independent Claim 1, from which Claim 8 depends, has been shown above to be patentably distinct from the proposed Bauman, et al. - Trull combination. Therefore, Applicant respectfully submits that Claim 8 is patentably distinct from the proposed Bauman, et al. - Trull - In re Yount combination.

4. Claims 9-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Meyers, et al. in view of Bauman, et al. and further in view of Trull. Independent Claim 9 recites ". . . associating entries after placement in the arbitration queue to one of a plurality of groups, each of the plurality of groups having a different transaction parameter criteria; determining which particular one of the plurality of groups to service based on the transaction parameter criteria; servicing a particular entry of the particular one of the plurality of groups . . ." As stated above, the Examiner has not established the three criteria for a prima facie of obviousness. The Examiner has not shown that the Bauman, et al. and Trull patents can be properly combined as proposed let alone for the Meyers, et al. patent to be combined with either the Bauman, et al. or Trull patents according to any objective basis in satisfaction of the first criteria. There has been no mention that the proposed Bauman, et al. - Trull combination provides any expectation of success let alone a reasonable expectation of success, especially with the addition of the Meyers, et al. patent to the proposed combination, to satisfy the second criteria. With respect to the third criteria, the Meyers, et al. patent uses a shift register that receives requests from processors and services the requests according to a processor priority. The Examiner readily admits that the Meyers, et al. patent fails to teach a collapsible arbitration queue as provided in the claimed invention. The Examiner cites the Trull patent to offset this lack of disclosure in the Meyers, et al. patent and support a collapsible queue. However, the Trull patent places instructions into a queue without associating them with a group. To remedy this deficiency, the Examiner cites the Bauman, et al. patent for its grouping technique. However, as

stated above, the Bauman, et al. patent groups its transfers prior to placement within its request buffer under the register priority scheme so that each group can be inserted into a specific register and can be output from the specific register in a first in first out basis. Thus, even with the use of the queuing operation of the Trull, et al. patent with the request buffer of the Bauman, et al. and somehow incorporate the shift register of the Meyers, et al. patent, there would still lack an ability to group entries after placement into a queue as required by the claimed invention. Therefore, Applicant respectfully submits that Claims 9-14 are patentably distinct from the proposed Meyers, et al. - Bauman, et al. - Trull combination.

5. Claim 15 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Meyers, et al. in view of Bauman, et al. and Trull and further in view of In re Yount. Independent Claim 9, from which Claim 15 depends, has been shown above to be patentably distinct from the proposed Meyers, et al. - Bauman, et al. - Trull combination. Therefore, Applicant respectfully submits that Claim 15 is patentably distinct from the proposed Meyers, et al. - Bauman , et al. - Trull - In re Yount combination.

CONCLUSION

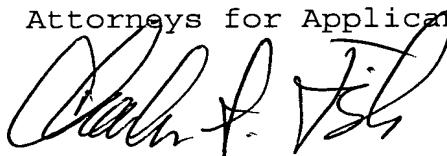
Applicant has clearly demonstrated that the present invention as claimed is clearly distinguishable over all the art cited of record, either alone or in combination, and satisfies all requirements under 35 U.S.C. §§101, 102, and 103, and 112. Therefore, Applicant respectfully requests the Board of Patent Appeals and Interferences to reverse the final rejection of the Examiner and instruct the Examiner to issue a Notice of Allowance of all claims.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

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November 28, 2005

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APPENDIX A

1. (Previously Presented) A method of managing an arbitration queue having a plurality of queue entries comprising:

introducing entries into the queue at a first, highest order queue location;

determining if lower order queue locations are available;

if lower order queue locations are available, moving all higher order queue location contents to an adjacent lower order queue location per cycle until all lower order locations are filled;

associating each entry after placement in the queue to one of a plurality of groups, each of the plurality of groups having a different transaction parameter criteria;

determining which particular one of the plurality of groups to service based on the transaction parameter criteria;

servicing a particular entry in the particular one of the plurality of groups based on servicing criteria; and

moving all higher order queue entries, with respect to the particular entry being serviced, to an adjacent lower order location in the queue.

2. (Original) The method of claim 1, further comprising the step of marking a location of a serviced entry as idle.

3. (Original) The method of claim 2 wherein the moving step further comprises:

for higher order locations with respect to the idle location, writing the contents of higher order queue locations into adjacent lower order queue locations; and

for lower order locations with respect to the idle location, rewriting the current entry into the location.

4. (Original) The method of claim 1, further comprising the step of initializing all queue locations to an idle state prior to the step of introducing entries into the queue.

5. (Previously Presented) The method of Claim 1, wherein moving all higher order queue entries further comprises:

providing a plurality of registers corresponding to a number of entries in the queue, the plurality of registers being arranged in a linear array from a highest order register to a lowest order register;

for each register, selectively providing to each register an entry from that register or an entry from a higher order register.

6. (Previously Presented) The arbitration queue circuit according to claim 5, wherein entries are added to the queue via the highest order register.

7. (Original) The arbitration queue circuit according to claim 6, wherein the plurality of registers each have an entry output such that an entry can be removed from any location in the queue.

8. (Original) The arbitration queue circuit according to claim 7, wherein the plurality of registers includes 64 registers.

9. (Previously Presented) A computer system comprising:
a distributed shared memory system;
a plurality of processors generating transactions to said distributed shared memory system; and
a memory interface interposed between said distributed shared memory system and said plurality of processors, said memory interface having cache memory, a collapsible arbitration queue having a plurality of entry locations, and a memory arbitration processor for servicing transactions from said plurality of processors, the memory arbitration processor performing a memory arbitration scheme comprising:

placing transactions as entries in the arbitration queue;
associating entries after placement in the arbitration queue to one of a plurality of groups, each of the plurality of groups having a different transaction parameter criteria;

determining which particular one of the plurality of groups to service based on the transaction parameter criteria;

servicing a particular entry of the particular one of the plurality of groups;

marking a location of the particular entry in the arbitration queue as idle; and

collapsing the arbitration queue by bringing all higher order entries into adjacent lower order locations in the queue to fill the idle location.

10. (Original) The computer system according to claim 9, wherein the collapsing operation comprises:

for higher order queue locations with respect to the idle location, writing the contents of higher order queue locations into adjacent lower order queue locations; and

for lower order queue locations with respect to the idle location, rewriting the current entry into the location.

11. (Original) The computer system according to claim 9, wherein the plurality of entry locations includes a highest order location and a lowest order location, and wherein entries are added to the queue via the highest order location.

12. (Original) The computer system of claim 9, wherein the arbitration queue comprises:

a plurality of registers corresponding to the number of entries in the queue;

a plurality of 2:1 multiplexers interposed between said registers such that one multiplexer is interposed between a higher order register and a subsequent register, the output of said higher order register being coupled to a first input of said one multiplexer, the output of said subsequent register being coupled to a second input of said one multiplexer, an output of said one multiplexer being coupled to said subsequent register, and a mux control line being coupled to said one multiplexer to direct the contents of one of said first and second multiplexer inputs to the multiplexer output; whereby the mux control line associated with the higher order register and subsequent register determines whether the subsequent register is refreshed with its current contents or receives the contents of the higher order register.

13. (Original) The arbitration queue circuit according to claim 12, wherein the plurality of registers includes a highest order register and a lowest order register, and wherein entries are added to the queue via the highest order register.

14. (Original) The arbitration queue circuit according to claim 13, wherein the plurality of registers each have an entry output such that an entry can be removed from any entry in the queue.

15. (Original) The arbitration queue circuit according to claim 14, wherein the plurality of registers includes 64 registers.

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EVIDENCE APPENDIX

None

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RELATED PROCEEDINGS APPENDIX

None

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CERTIFICATE OF SERVICE

None



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PATENT APPLICATION

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Title: QUEUE CIRCUIT AND METHOD OF MEMORY
ARBITRATION EMPLOYING SAME

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that the attached Appeal Brief with check is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on this 28th day of November 2005, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Willie Jiles

Willie Jiles

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